REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

SUCCESSION NO. 607 OF 2013

IN THE MATTER OF THE ESTATE OF WILLIAM SANKEI MOMPOSHI-(DECEASED)

ESTHER KAKENYA MAGIRO.....1ST PETITIONER/APPLICANT

VERSUS

LILIAN RETETI MOMBOSHI.....2ND PETITIONER

RULING

1. I have considered the application dated 3/9/2020, the supporting affidavit in support of the application, the replying affidavit filed by the Respondent and I note the following; the applicant has explained the reason why she could not file the Notice on time, that she sent a letter to her lawyer which did not reach on time. Considering the events of 2020, the year Covid 19 hit this nation and the world at large, I will give the applicant the benefit of doubt. The applicant has to obtain leave to appeal as correctly stated.

2. Considering the facts as deponed I find that no prejudice caused to the Respondent I therefore grant the following orders;

(1) I extend time within which the 1st petitioner/applicant can proceed to file and or lodge an application for leave to file an appeal against the judgment and decree of the court rendered on the 2/5/2015.

(2) Leave is granted to the 1st petitioner/applicant to lodge and appeal to the Court of Appeal against the Ruling dated 2/5/2021 within 30 days from today.

(3) I also enlarge time within which to lodge a Notice of appeal against the decree issued on the 2/5/2019 by 7 days.

(4) Now that the Notice of appeal was filed on the 19/2/2020, the same shall be deemed as duly filed and served.

Costs shall be in the cause.

DATED, SIGNED AND DELIVERED AT KISII THIS 16TH DAY OF APRIL, 2021.

R. E. OUGO

JUDGE

In the presence of:

Mr. Kipngetich	**For the Applicant**
Ms. Lillian 2nd Petitioner	**Present**
Kevin Lekishon Momposhi	**Present**
Ms Rael	**Court Assistant**